REMARKS

The Office Action mailed March 7, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 3, 5, 9, 10, 13, 19, and 25 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 7, line 14 to page 9, line 15 and page 10, lines 6-14.

Claims 3 and 9 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[1] in view of Ballard et al.,[2] among which claims 3 and 9 are independent claims.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Griffiths except that Griffiths does not teach computer readable code for providing real time changes in equalization according to changes in the equalization curve caused by dragging movements or an output amplifier electrically connected to the parametric equalizer, wherein the equalization curve represents an equalization curve of the output amplifier.[3] The Office Action further contends that Ballard teaches these elements and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Ballard into Griffiths in order to adapt the computer output signal amplitude appropriate for a set of loudspeakers. Applicant respectfully disagrees for the reasons set forth below.

[1] GB Patent No. 2357409
[2] U.S. Patent No. 5,617,480.
[3] Office Action ¶ 4

Claim 3 as amended includes the element "computer readable code for displaying a plurality of presets, wherein each preset is displayed as a thumbnail composite curve that graphically indicates the equalization provided by the preset." Neither Griffiths nor Ballard nor their combination teaches or suggests such an element. Specifically, Griffiths merely displays a single composite frequency curve, and Ballard also only displays a single curve. As such, Applicant respectfully submits that claim 3 is in condition for allowance.

As to independent claim 9, this claim contains elements similar to that as described above with respect to claim 3, and as such Applicant respectfully submits that this claim is also in condition for allowance.

Claims 10 and 19-23 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[4] in view of Ballard et al.,[5] and in further view of Wiser,[6] among which claim 10 is an independent claim.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[7] in view of Ballard et al.[8] and further view of Mietling[9].

Claims 25 and 27-28 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths,[10] in view of Wiser[11] among which claims 25 is an independent claim.

[4] GB Patent No. 2357409
[5] U.S. Patent No. 5,617,480.
[6] U.S. Patent Publication No. 2003/009247
[7] GB Patent No. 2357409
[8] U.S. Patent No. 5,617,480.
[9] U.S. Patent No. 6,385,322
[10] GB Patent No. 2357409
[11] U.S. Patent Publication No. 2003/009247

Claims 10, 13, and 25 as amended includes the element "computer readable code for displaying a plurality of presets, wherein each preset is displayed as a thumbnail composite curve that graphically indicates the equalization provided by the preset." Neither Griffiths nor Ballard nor Wiser nor Mietling nor their combination teaches or suggests such an element. Specifically, Griffiths merely displays a single composite frequency curve, and Ballard, Wiser, and Mietling also only display a single curve. As such, Applicant respectfully submits that claims 10, 13, and 25 as amended are in condition for allowance.

Claim 4 and 5 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths,[12] in view of Ballard et al.,[13] and Zhou et al.[14]

Claim 6 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[15] in view of Ballard et al.,[16] and further view of Zhou et al.[17] and further view of Wiser[18].

Claim 24 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[19] in view of Ballard et al.[20] and Mietling,[21] and in further view of Wiser[22].

[12] GB Patent No. 2357409
[13] U.S. Patent No. 5,617,480.
[14] U.S. Patent No. 6,999,826
[15] GB Patent No. 2357409
[16] U.S. Patent No. 5,617,480.
[17] U.S. Patent No. 6,999,826
[18] U.S. Patent Publication No. 2003/0009247
[19] GB Patent No. 2357409
[20] U.S. Patent No. 5,617,480.
[21] U.S. Patent No. 6,385,322

Claim 26 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Griffiths[23] in view of Wiser[24] and in further view of Zhou et al.[25]

As to dependent claims 4-6, 19-24, and 26-28, these claims are also patentably distinct from the cited references for at least the same reasons as those recited above for the independent claims, upon which they ultimately depend.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Marc S. Hanish
Reg. No. 42,626

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300

[22] U.S. Patent Publication No. 2003/009247
[23] GB Patent No. 2357409
[24] U.S. Patent Publication No. 2003/009247
[25] U.S. Patent Number 6,999,826